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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,051	12/29/2004	Joachim Berg	5000.P0053US	5080

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FLYNN THIEL BOUTELL & TANIS, P.C.  
2026 RAMBLING ROAD  
KALAMAZOO, MI 49008-1631

EXAMINER
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SPAHN, GAY

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/520,051

Examiner

Gay Ann Spahn

Applicant(s)

BERG, JOACHIM

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 22 June 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☒ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☒ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 1(c) Other: With respect to Box 1A above, the examiner notes that the title of the invention is a part of the specification and must be changed by striking-through words that are being deleted and underlining words that are being added (see 37 CFR 1.121(b)(1)).

Continuation of 3(c) Other: The examiner notes that 37 CFR 1.121(d) requires that "[a]ll changes to the drawing must be explained, in detail, in either the drawing amendment or remarks section of the amendment paper." The examiner does not understand why replacement sheets 1/9, 2/9, 3/9, 7/9, and 9/9 have been included because there do not seem to be any changes made to Fig. 2 on sheet 1/9, Figs. 4-6 on sheet 2/9, Fig. 7 on sheet 3/9, Fig. 18 on sheet 7/9, and Fig. 24 on sheet 9/9, even though in Applicant's "Amendment to the Drawings" section, it is stated that these figures are amended. If Applicant is only making changes to the specification in response to the drawing objections, then unamended figures should not be put on Replacement Sheets unless the drawing amendment or remarks section clearly acknowledges that no amendments have been made to the figures on those Replacement Sheets.

Continuation of 4(e) Other: With respect to Box 4C above, the examiner notes that claims 2, 4, 6, 7, 9, and 10 do not have the correct status identifiers because claim 10 has been withdrawn from consideration by the examiner as being drawn to a non-elected invention (i.e., pursuant to the restriction requirement in the Office Action mailed 28 June 2006) and claims 2, 4, 6, 7, and 9 have been withdrawn from consideration as being drawn to a non-elected species (i.e., pursuant to the election of species requirement in the Office Action mailed 28 June 2006). Therefore, claims 2, 4, 6, and 7 should have the status identifier of "(Withdrawn - currently amended)", and claims 9 and 10 should have the status identifier of "(Withdrawn)".

Continuation of 5 Other: With respect to some of Applicant's amendments to the specification, the examiner notes that in several places Applicant has amended a word by deleting only the letter "s" at the end of the word and this is extremely hard to perceive. It is preferable that the entire plural word be stricken-through and then the singular word added in order to be able to clearly tell what changes are being made.

*Gay Ann Spahn*

Gay Ann Spahn, Patent Examiner  
September 4, 2007